

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

KATHIE SINISGALLO,  
STEVEN TSILIMPARIS,

Plaintiffs,

-against-

STIPULATION OF  
SETTLEMENT AND  
DISCONTINUANCE

TOWN OF ISLIP HOUSING AUTHORITY  
RICHARD WANKEL, in his capacity as  
Executive Director of the Town of Islip  
Housing Authority, PAUL E. LEVITT, in  
his capacity as Hearing Officer,

12-CV-1733 (ADS)

Defendants.

-----X

This Stipulation is made and undertaken by plaintiffs, KATHIE SINISGALLO and STEVE TSILIMPARIS and defendants, TOWN OF ISLIP HOUSING AUTHORITY (TOIHA), RICHARD WANKEL, in his capacity as TOIHA Executive Director and PAUL LEVITT, in his capacity as Administrative Hearing Officer, to settle and discontinue the pending suit in the United States District Court for the Eastern District of New York bearing index number 12-CV-1733 and its concomitant appeal now pending in the Second Circuit Court of Appeals, bearing index number 12-2346 and is based upon the following:

W I T N E S S E T H

WHEREAS, Plaintiff, KATHIE SINISGALLO is a tenant and STEVE TSILIMPARIS is a household member at the Housing Authority's housing located at 81 Millpond Land, Bay Shore, New York 11706; and

WHEREAS, Defendant, TOIHA served KATHIE SINISGALLO on May 27, 2011, with a notice to terminate her tenancy in the defendant's housing at 81 Millpond Lane, Bay Shore, New York as of June 15, 2011; and upon KATHIE SINISGALLO's request, held an administrative hearing on December 20, 2011 and January 9, 2012 and thereafter a decision was rendered on March 1, 2012 in which the TOIHA's decision to terminate her tenancy at 81 Millpond Lane, Bay Shore, New York was upheld. The TOIHA then served her with a Notice of Petition and Petition for a summary proceeding to recover real property in the Suffolk County Fifth District Court, bearing Index Number ISLT-12-588, and plaintiffs KATHIE SINISGALLO and STEVE TSILIMPARIS, filed suit in the United States District Court for the Eastern District of New York bearing index number 12-CV-1733, and made an application for a preliminary injunction staying the aforesaid Suffolk County Fifth District Court proceeding. The preliminary injunction was granted and defendants, TOIHA and RICHARD WANKEL thereafter filed an appeal to the Second Circuit Court of Appeals of the order granting the plaintiffs a preliminary injunction;

NOW, therefore, in consideration of the covenants, promises and obligations contained herein, KATHIE SINISGALLO and STEVE TSILIMPARIS and TOIHA, RICHARD WANKEL in his capacity as Executive Director of the Town of Islip Housing Authority and PAUL E. LEVITT in his capacity as Hearing Officer, agree as


follows:


1. KATHIE SINISGALLO and STEVE TSILIMPARIS may continue to reside at 81 Millpond Lane, Bay Shore, New York 11706 for so long as they abide by the conditions set forth herein, the terms of the lease for said unit, all applicable laws, rules and regulations and with their initial admission agreement with TOIHA; and
2. STEVE TSILIMPARIS will refrain from assault, battery or any acts of violence directed at any person at any facility owned by the TOIHA; and
3. TOIHA agrees to discontinue the Suffolk County Fifth District Court summary proceeding bearing Index Number ISLT-12-588 with prejudice.
4. The appeal filed in the Second Circuit Court of Appeals under index number 12-2346 will be discontinued with prejudice by TOIHA.
5. TOIHA agrees to the cancellation of their termination notice and of their administrative decision to uphold the termination of KATHIE SINISGALLO's tenancy and to


the reinstatement of her tenancy.

6. The action now pending in the United States District Court for the Eastern District of New York under index number 12-CV-1733 titled KATHIE SINISGALLO and STEVE TSILIMPARIS versus TOWN OF ISLIP HOUSING AUTHORITY, RICHARD WANKEL, in his capacity as Executive Director of the Town of Islip Housing Authority, PAUL E. LEVITT, in his capacity as Hearing Officer, is hereby discontinued with prejudice without attorney's fees and costs and the preliminary injunction granted therein of no further force or effect. Any party may apply to the court for an order vacating said preliminary injunction without notice if such order is deemed necessary.
7. All parties agree to bear their own legal costs and expenses; and
8. KATHIE SINISGALLO and STEVE TSILIMPARIS and TOIHA have been represented by counsel throughout this proceeding, this stipulation has been fully explained to them by counsel and they have executed this agreement after consultation with and upon advise of counsel.

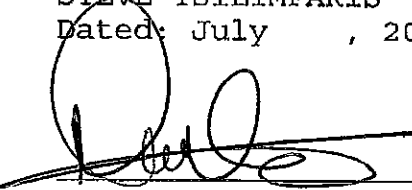
9. All parties agree to execute whatever documents are necessary to discontinue the aforesaid actions; and to discontinue with prejudice the pending appeal in the Second Circuit Court of Appeals; and to vacate the preliminary injunction granted in this proceeding.


  
KATHIE SINISGALLO

  
PAUL LEVITT, in his capacity  
as Administrative Hearing  
Officer, Pro Se

  
STEVE TSILIMPARIS  
Dated: July , 2012

Dated: July 3/ , 2012

  
DARLENE ROSCH, for  
Jeffrey Seige, ESQ., for  
Nassau/Suffolk Law Service  
Committee  
Attorney for Tenant  
1757 Veterans Highway, Suite 50  
Islandia, NY 11749

  
DONALD R. HAMILL, for  
William R. Garbarino, ESQ.  
Attorney for TOIHA and RICHARD  
WANKEL, in his capacity as  
Executive Director of the Town  
of Islip Housing Authority  
40 Main Street  
Sayville, NY 11782